THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 6548 of 2006

03-04-2006

Between:-

Katta Venkat Satyanarayana & another

Petitioners

And

The Government of Andhra Pradesh, rep., by its Secretary, Revenue Department, Secretariat, Hyderabad and five others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6548 of 2006

Oral order:

The petitioners' complaint is that the respondents have taken possession of an extent of Ac.01-00 of land in survey No.265/4 of Yerravaram, Peddapalli, Yellamanchili Mandal, Visakhapatnam district for the purpose of digging the Indira Sagar Project, Polavaram Left Canal, Yellamanchili. The petitioners complain that neither have any proceedings been initiated under the Land Acquisition Act, 1894, (for short 'the Act') nor has possession been taken after negotiations with the petitioners. They made a complaint/representation to the 2nd respondent-District Collector, Vishakapatnam through a lawyer's notice on 08-11-2005. The 2nd respondent, by a letter dated 16-11-2005 addressed the 5th respondent, the acquisition authority, to look into the petitioners' complaint, take further action and send a reply to the petitioners directly. Nothing has happened thereafter is the petitioners complaint. They seek a direction to the respondents either to pay compensation or to initiate proceedings under the Act.

The petitioners' grievance in this writ petition is as regards the wanton disobedience and subversion of the provisions of the Act and of

overreaching the law by the 5th respondent by forcible eviction and acquisition of their lands without due process of law. As regards such complaints, the petitioners have a plurality of remedies available. They have an effective remedy before the civil court of competent jurisdiction, for restitution, (restoration of possession) of their property by the 5th respondent; they could also proceed against the 5th respondent both in his official and personal capacity for damages, ordinary and extraordinary. They have also a right to petition the Government to initiate disciplinary proceedings against the officer incumbent of the 5th respondent's office for acting contrary to the law, illegally and in subversion of the legislative mandate, of the Act. The petitioners have also a right to seek damages against the State for the illegal action of a state actor viz., the 5th respondent. The petitioners can also seek prosecution of the 5th respondent and seek sanction, if one is needed for the same, from the Government. Since wholly illegal, unauthorized and coercive dispossession of a citizen of his property is not in furtherance of official duties, no sanction is perhaps required for prosecution of the 5th respondent. Mandamus appears to this court to be an inappropriate remedy for the cluster of rights of the petitioner that have been allegedly violated by the respondents. Having regard to the plurality of remedies available to the petitioners, this court is not inclined to consider the issues under Article 226 of the Constitution of India. The writ petition is dismissed granting liberty however to pursue appropriate remedies. No costs.

GODA RAGHURAM, J

Dated:03-04-2006

Pvks/*